

RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ **Appendix O ... has been added to the 2017 LRB-6071**

Appendix A ☞ LRB 17-5979
Appendix B ☞ LRB 17-5982
Appendix C ☞ LRB 17-5983
Appendix D ☞ LRB 17-5986
Appendix E ☞ LRB 17-5989
Appendix F ☞ LRB 17-5995
Appendix G ☞ LRB 17-5998
Appendix H ☞ LRB 17-6006
Appendix I ☞ LRB 17-6007
Appendix J ☞ LRB 17-6012
Appendix K ☞ LRB 17-6021
Appendix L ☞ LRB 17-6023
Appendix M ☞ LRB 17-6024
Appendix N ☞ LRB 17-6027

Appendix O ☞ LRB 17-6028
Appendix P ☞ LRB 17-6031
Appendix Q ☞ LRB 17-6036
Appendix R ☞ LRB 17-6037
Appendix S ☞ LRB 17-6038
Appendix T ☞ LRB 17-6046
Appendix U ☞ LRB 17-6047
Appendix V ☞ LRB 17-6048
Appendix W ☞ LRB 17-6049
Appendix X ☞ LRB 17-6050
Appendix Y ☞ LRB 17-6052
Appendix Z ☞ LRB 17-6059
Appendix AA ☞ LRB 17-6065
Appendix BB ☞ LRB 17-6067

2017 DRAFTING REQUEST**Bill**For: **Robin Vos (608) 266-9171**Drafter: **rchampag**By: **Steve/Alicia**

Secondary Drafters:

Date: **11/16/2018**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Rep.Vos@legis.wisconsin.gov**Carbon copy (CC) to: **steve.fawcett@legis.wisconsin.gov****Alicia.Schweitzer@legis.wisconsin.gov****Pre Topic:**

No specific pre topic given

Topic:

Outside representation for legislators and staff

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rchampag 11/26/2018	eweiss 11/26/2018	lparisi 11/16/2018		
/P2			dwalker 11/26/2018		

FE Sent For:

<END>



Per Steve / Alicia

- (1) Speaker can permit outside counsel for members & employees. Paid from (1) (a)
- (2) Senate majority leader can permit outside counsel for senators & employees. Paid from (1) (b)
- (3) Both speaker & sen. majority leader can retain outside counsel for assembly & senate interests.
- (4) JCLC co-chairs can retain for leg. services agency employee. + for entire legislature as an option



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6028/P1

RAC:...an

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
xref

ren.

- 1 **AN ACT ...; relating to:** retaining outside legal representation for legislators and
- 2 legislative staff.

Analysis by the Legislative Reference Bureau

Currently, representatives to the assembly and senators, as well as legislative employees, may receive legal representation from the Department of Justice (DOJ) in most legal proceedings. Assembly and senate policies and practices also allow legislators and legislative employees to retain outside legal counsel in some instances.

With respect to the assembly, the bill provides that the speaker of the assembly may authorize a representative to the assembly or assembly employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the representative's or employee's duties. The speaker may also obtain outside legal counsel in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker.

With respect to the senate, the bill provides that the senate majority leader may authorize a senator or senate employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the senator's or employee's duties. The majority leader may also obtain outside legal counsel in any action in which the senate is a party or in which the interests of the senate are affected, as determined by the majority leader.

Finally, the bill provides that the cochairpersons of the joint committee on legislative organization may authorize a legislative service agency employee who

requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the employee's duties. The cochairpersons may also obtain outside legal counsel in any action in which the legislature is a party or in which the interests of the legislature are affected, as determined by the cochairpersons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 13.124 of the statutes is created to read:

2 ~~13.124~~ **Legal representation.** (1) (a) The speaker of the assembly may
3 authorize a representative to the assembly or assembly employee who requires legal
4 representation to obtain legal counsel other than from the department of justice,
5 with the cost of representation paid from the appropriation under s. 20.765 (1) (a),
6 if the acts or allegations underlying the action are arguably within the scope of the
7 representative's or employee's duties.

8 (b) The speaker of the assembly may obtain legal counsel other than from the
9 department of justice, with the cost of representation paid from the appropriation
10 under s. 20.765 (1) (a), in any action in which the assembly is a party or in which the
11 interests of the assembly are affected, as determined by the speaker.

12 (2) (a) The senate majority leader may authorize a senator or senate employee
13 who requires legal representation to obtain legal counsel other than from the
14 department of justice, with the cost of representation paid from the appropriation
15 under s. 20.765 (1) (b), if the acts or allegations underlying the action are arguably
16 within the scope of the senator's or employee's duties.

17 (b) The senate majority leader may obtain legal counsel other than from the
18 department of justice, with the cost of representation paid from the appropriation

1 under s. 20.765 (1) (b), in any action in which the senate is a party or in which the
2 interests of the senate are affected, as determined by the senate majority leader.

3 (3) (a) The cochairpersons of the joint committee on legislative organization
4 may authorize an employee of a legislative service agency, as defined in s. 13.90 (1m),^(a)
5 who requires legal representation to obtain legal counsel other than from the
6 department of justice, with the cost of representation paid from the appropriation
7 under s. 20.765 (1) (a) or (b), as determined by the cochairpersons, if the acts or
8 allegations underlying the action are arguably within the scope of the employee's
9 duties.

10 (b) The cochairpersons of the joint committee on legislative organization may
11 obtain legal counsel other than from the department of justice, with the cost of
12 representation paid from the appropriation under s. 20.765 (1) (a) or (b), as
13 determined by the cochairpersons, in any action in which the legislature is a party
14 or in which the interests of the legislature are affected, as determined by the
15 cochairpersons.

16 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6028/P1

RAC:amn

P2
emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT to create** 13.124 of the statutes; **relating to:** retaining outside legal
2 representation for legislators and legislative staff.

Analysis by the Legislative Reference Bureau

Currently, representatives to the assembly and senators, as well as legislative employees, may receive legal representation from the Department of Justice in most legal proceedings. Assembly and senate policies and practices also allow legislators and legislative employees to retain outside legal counsel in some instances.

With respect to the assembly, the bill provides that the speaker of the assembly may authorize a representative to the assembly or assembly employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the representative's or employee's duties. The speaker may also obtain outside legal counsel in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker.

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Finally, the bill provides that the cochairpersons of the Joint Committee on Legislative Organization may authorize a legislative service agency employee who requires legal representation to obtain outside legal counsel if the acts or allegations

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6 if the acts or allegations underlying the action are arguably within the scope of the
7 representative's or employee's duties. ↑

8 (b) The speaker of the assembly may obtain legal counsel other than from the
9 department of justice, with the cost of representation paid from the appropriation
10 under s. 20.765 (1) (a), in any action in which the assembly is a party or in which the
11 interests of the assembly are affected, as determined by the speaker. ↑

12 (2) (a) The senate majority leader may authorize a senator or senate employee
13 who requires legal representation to obtain legal counsel other than from the
14 department of justice, with the cost of representation paid from the appropriation
15 under s. 20.765 (1) (b), if the acts or allegations underlying the action are arguably
16 within the scope of the senator's or employee's duties. ↑

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18 department of justice, with the cost of representation paid from the appropriation
19 under s. 20.765 (1) (b), in any action in which the senate is a party or in which the
20 interests of the senate are affected, as determined by the senate majority leader. ↑

in his or her sole discretion,

1 (3) (a) The cochairpersons of the joint committee on legislative organization
2 may authorize an employee of a legislative service agency, as defined in s. 13.90 (1m)
3 (a), who requires legal representation to obtain legal counsel other than from the
4 department of justice, with the cost of representation paid from the appropriation
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6 allegations underlying the action are arguably within the scope of the employee's
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12 or in which the interests of the legislature are affected, as determined by the
13 cochairpersons. ↑

14 (END)

in their sole discretion

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-6028/P2ins
RAC:amn

Insert 2-7:

The speaker shall approve all financial costs and terms of representation. ✓

Insert 2-11:

The speaker shall approve all financial costs and terms of representation. ✓

Insert 2-16:

The senate majority leader shall approve all financial costs and terms of representation. ✓

Insert 2-20:

The senate majority leader shall approve all financial costs and terms of representation. ✓

Insert 3-7:

The cochairpersons shall approve all financial costs and terms of representation. ✓

Insert 3-13:

The cochairpersons shall approve all financial costs and terms of representation. ✓



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6028/P2
RAC:amn&emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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5 the department of justice, with the cost of representation paid from the appropriation
6 under s. 20.765 (1) (a), if the acts or allegations underlying the action are arguably
7 within the scope of the representative's or employee's duties. The speaker shall
8 approve all financial costs and terms of representation.

9 (b) The speaker of the assembly, in his or her sole discretion, may obtain legal
10 counsel other than from the department of justice, with the cost of representation
11 paid from the appropriation under s. 20.765 (1) (a), in any action in which the
12 assembly is a party or in which the interests of the assembly are affected, as
13 determined by the speaker. The speaker shall approve all financial costs and terms
14 of representation.

15 (2) (a) The senate majority leader, in his or her sole discretion, may authorize
16 a senator or senate employee who requires legal representation to obtain legal
17 counsel other than from the department of justice, with the cost of representation
18 paid from the appropriation under s. 20.765 (1) (b), if the acts or allegations
19 underlying the action are arguably within the scope of the senator's or employee's

1 duties. The senate majority leader shall approve all financial costs and terms of
2 representation.

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4 counsel other than from the department of justice, with the cost of representation
5 paid from the appropriation under s. 20.765 (1) (b), in any action in which the senate
6 is a party or in which the interests of the senate are affected, as determined by the
7 senate majority leader. The senate majority leader shall approve all financial costs
8 and terms of representation.

9 (3) (a) The cochairpersons of the joint committee on legislative organization,
10 in their sole discretion, may authorize an employee of a legislative service agency, as
11 defined in s. 13.90 (1m) (a), who requires legal representation to obtain legal counsel
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13 the appropriation under s. 20.765 (1) (a) or (b), as determined by the cochairpersons,
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15 employee's duties. The cochairpersons shall approve all financial costs and terms of
16 representation.

17 (b) The cochairpersons of the joint committee on legislative organization, in
18 their sole discretion, may obtain legal counsel other than from the department of
19 justice, with the cost of representation paid from the appropriation under s. 20.765
20 (1) (a) or (b), as determined by the cochairpersons, in any action in which the
21 legislature is a party or in which the interests of the legislature are affected, as
22 determined by the cochairpersons. The cochairpersons shall approve all financial
23 costs and terms of representation.

24 (END)